



# CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing **to** Consider Report for Sidewalk Repairs and to Confirm the Report **as** Submitted by the Public Works Department

MEETING DATE: November **7, 2007**

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Conduct a public hearing to consider the Report for Sidewalk Repairs, hear protests from the public, and to confirm the report as submitted by the Public **Works** Department. Following the public hearing, the Council will be asked to confirm the cost of repairs report, determine the method of payment, assess the cost of repairs to the affected property (121 Olive Court), and order the preparation of a Notice of Lien to be filed with the tax collector. The property owner was billed on July 27, 2007, for the \$5,566.12 cost of repair. As of October 24, 2007, the property owner has not responded. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by property owners.

BACKGROUND INFORMATION: **As** part of the City's sidewalk maintenance program, on March 7, 2007, the City notified eleven property owners their sidewalks needed to be repaired. These notices were sent to property owners with the worst offsets according to our sidewalk survey. Some owners took care of the need immediately on their own, some asked for assistance in completing the work, and one owner did not perform.

The Curb, Gutter & Sidewalk Maintenance Policy, approved by Council, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of twelve months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE Program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Property owners were given up to three notices over a two-month period, indicating that if they did not make the repairs, the City's contractor would repair the sidewalk.

The following is a list of the eleven properties that received sidewalk repair notifications and the response:

APPROVED: \_\_\_\_\_

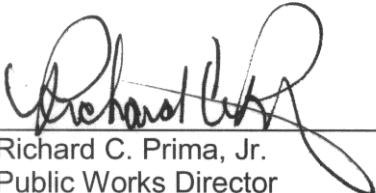
Blair King, City Manager

Street Address	Cost Estimate	Work Accomplished
1636 South School Street	\$6,115	Property owner hired contractor. Work completed 6/12/07.
354 East Oak Street	\$966	Property owner hired contractor, Work completed 5/11/07.
421 South Pleasant Avenue	\$14,318	Property owner hired City. Work completed 7/7/07.
731 North Ham Lane	\$8,727	Property owner hired contractor. Work completed 5/11/07.
110 North Mills Avenue	\$4,330	Property owner hired contractor, Work completed 5/11/07.
523 Tamarack Drive	\$1,835	Property owner hired contractor, Work completed 7/23/07.
725 North Lincoln Avenue	\$1,835	Property owner hired contractor. Work completed 5/11/07.
1615 Edgewood Drive	\$1,942	Property owner hired contractor, Work completed 5/11/07.
1701 Holly Drive	\$3,197	Property owner hired contractor. Work completed 3/26/07.
75 North Crescent Avenue	\$3,772	Property owner hired City. Work completed 7/16/07.
121 Olive Court	<b>\$5,566</b> (Actual Cost)	Failed to perform. City completed repair; billed property <b>owner</b> .

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. It is staffs recommendation that this be continued.

**FISCAL IMPACT:** The Street Fund could recover \$5,566.12, which includes the City's administrative time, if Council approves staffs recommendation to file a Notice of Lien with the Tax Collector.

**FUNDING AVAILABLE:** None was required.

  
Richard C. Prima, Jr.  
Public Works Director

RCP/GMB/dsg

cc: Fernando Almeida, 121 Olive Court. Lodi, CA, 95240



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT: PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK  
REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY  
THE PUBLIC WORKS DEPARTMENT**

**PUBLISH DATE: SATURDAY, OCTOBER 20, 2007**


**LEGAL AD**

TEAR SHEETS WANTED: **One (1) please**

SEND AFFIDAVIT AND **BILL** TO: RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 18, 2007

ORDERED BY: RANDI JOHL  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS	Faxed to the Sentinel at 369-1084 at <u>2:40</u> (time) on <u>10/18/07</u> (date) _____ (pages)			
	Phoned to confirm receipt of all pages at _____ (time) _____ JLT _____ DRC _____ JMP (initials)			



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

On Friday, October **19**, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

On Thursday, October 18, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department, attached hereto Marked Exhibit **A**. The mailing list for said matter **is** attached hereto, marked Exhibit **B**.

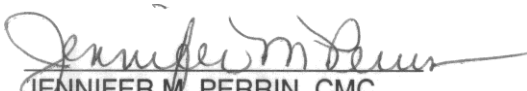
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 18, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: November 7, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,  
City Clerk

Telephone: (209) 333-6702

EXHIBIT A

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY **GIVEN** that on Wednesday, November **7, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl  
City Clerk

**Dated:** October 17, 2007

Approved as to form:

D. Stephen Schwabauer  
City Attorney

**PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS  
AND TO CONFIRM THE REPORT AS SUBMITTED BY THE  
PUBLIC WORKS DEPARTMENT**

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MAILING LIST

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Fernando Almeida  
121 Olive Court  
Lodi, CA 95240

CITY COUNCIL

BOB JOHNSON, Mayor  
JOANNE L. MOUNCE  
Mayor Pro Tempore  
LARRY D. HANSEN  
SUSAN HITCHCOCK  
PHIL KATZAKIAN

**CITY OF LODI**  
**PUBLIC WORKS DEPARTMENT**

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

BLAIR KING  
City Manager  
RANDI JOHL  
City Clerk  
D. STEVEN SCHWABAUER  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

November 2, 2007

Fernando Almeida  
121 Olive Court  
Lodi, CA 95240

**SUBJECT: Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report  
as Submitted by the Public Works Department**

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 7, 2007. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at 333-6702.

If you have any questions about the item itself, please call George Bradley, Streets and Drainage Manager, at 333-6740.



for: Richard C. Prima, Jr.  
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk



CITY COUNCIL  
JOANNE MOUNCE, Mayor  
LARRY O. HANSEN,  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
BOB JOHNSON  
PHIL KATZAKIAN

**CITY OF LODI**  
**PUBLIC WORKS DEPARTMENT**  
CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
TELEPHONE (209) 333-6706 / FAX (209) 333-6710  
EMAIL pwdept@lodi.gov  
<http://www.lodi.gov>

BLAIR KING,  
City Manager

RANDI JOHL,  
City Clerk

D. STEPHEN SCHWABAUER,  
City Attorney

F. WALLY SANDELIN  
Public Works Director

**NOTICE OF LIEN**

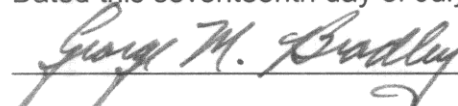
Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the 23<sup>rd</sup> day of July, 2007, cause the sidewalk, curb, or park or parking strip, bulkheads, retaining walls, or other works (as the case may be) in front of the real property hereinafter described, to be repaired and improved, and the legislative body of the City of Lodi did, on the seventh day of November, 2007 assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City of Lodi, does hereby claim a lien on said real property in the sum of five thousand five hundred sixty-six dollars and twelve cents (\$5,566.12), and the same shall be a lien upon said real property until the said sum, with interest at the rate of 3.11 percent per annum, from the said seventh day of November, 2007, has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of Lodi the county of San Joaquin, State of California, and particularly described as follows:

Lot 12 as the same is delineated and so designated upon that certain Map entitled "Subdivision of J.W. Brier Land, it being part of Ayres and Pitchers Addition, City of Lodi, California", filed for record December 8, 1914 at 1:45 p.m. and recorded in book of Maps, Vol. 8, Page 34, San Joaquin County Records.

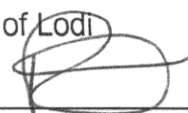
Commonly known as: 121 Olive Court, Lodi, CA 95240

Dated this seventeenth day of July, 2008

  
George M. Bradley, Superintendent of Streets

City of Lodi

By



Randi Johl, City Clerk